




In The United States Patent and Trademark Office
On Appeal From The Examiner To The Board
of Patent Appeals and Interferences

2126
5403 #15
LTS
7-2-04

In re Application of: Rod W. Lawing et al.
Serial No.: 10/076,729
Filing Date: February 15, 2002
Examiner: Philip B. Tran
Group Art Unit: 2155
Title: *Method and System for Central Management of a Computer Network*

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MAIL STOP: APPEAL BRIEF
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Willie Jiles	
Date: May 24, 2004	
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Dear Sir:

Reply Brief

Appellants respectfully submit this Reply Brief under 37 C.F.R. § 1.193(b)(1), in triplicate, in response to the Examiner's Answer mailed March 24, 2004.

Appellants filed an Appeal Brief on January 5, 2004, explaining clearly and in detail why the final rejection of Claims 1-18, 20-29, and 31-35 is improper and should be reversed by the Board. As explained in more detail below, the Examiner's final rejection of these claims cannot be properly maintained. Appellants respectfully request the Board to reverse this final rejection and instruct the Examiner to issue a Notice of Allowance with respect to these claims.

Argument

The rejection of Claims 1-18, 20-29, 31-35, and 39-43 as being unpatentable over *Davis* under 35 U.S.C. § 102(e) is improper and should be reversed by the Board. The rejection of Claims 19, 30, and 36-38 as being unpatentable over *Davis* under 35 U.S.C. § 103(a) is improper and should be reversed by the Board.

The Examiner states, “The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.” (Examiner’s Answer, Page 2). Appellants respectfully disagree with the Examiner. Appellants clearly stated in their Brief that “[t]here are no known appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board’s decision regarding this Appeal.” (Appellants’ Brief, Page 2).

The Examiner also states, “But, Appendix A shows patent application 09/548,466 is incorrect. It should be patent application 10/076,729.” (Examiner’s Answer, Page 2). The heading on each of the sheets in Appendix A contains an incorrect Attorney Docket Number and an incorrect Patent Application Number. The correct Attorney Docket Number is 014208.1498 (93-02-010) and the correct Patent Application Number is 10/076,729.

Appellants note that the Examiner does not present any new arguments supporting the Examiner’s rejection of independent Claims 1, 9, 17, 22, and 29. The Examiner simply maintains his assertion that *Davis* discloses “centralized management on heterogeneous client computer systems of different . . . operating system types . . . in order to install appropriate software” and that such centralized management can be properly considered *managing configuration of an operating system of a network client*, as recited in independent Claim 1 and in substantially similar form in independent Claims 9, 17, 22, and 29. Appellants again respectfully disagree with the Examiner. Appellants have repeatedly pointed out that, even assuming for the sake of argument that *Davis* in fact discloses centralized management on heterogeneous client computer systems of different operating system types to install appropriate software,” *Davis* fails to even suggest that such centralized management includes

managing *configuration of an operating system*. Because the Examiner has repeatedly failed to demonstrate otherwise, the rejection of independent Claims 1, 9, 17, 22, and 29 as being unpatentable over *Davis* under 35 U.S.C. § 102(e) is improper and should be reversed by the Board.

Conclusion

Appellants have demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

Appellants believe no additional fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account Number 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

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Date: May 24, 2004

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